

REMARKS

With this response, claims 9, 15, 22, 24, 26 and 27 are amended. Claims 1-8, 16-21 and 28-30 are cancelled. Claims 31-33 are added. Therefore, claims 9-15, 22-27 and 31-33 are pending.

SPECIFICATION OBJECTIONS

The disclosure is objected to for containing an embedded hyperlink in paragraphs [0005] and [0074]. Appropriate correction has been made to the above paragraphs to address this objection. The above paragraphs merely contain web address with no embedded hyperlinks within the text.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 9, 10, 12-14, 22, 23 and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application No. 5,901,310 of Rahman (hereinafter “Rahman”) and further in view of U.S. Patent Application No. 6,622,302 of Delaney (hereinafter “Delaney”).

Applicants respectfully contend that these claims are not rendered obvious by the cited references for at least the following reason: the references, alone and in combination, fail to disclose or suggest at least one feature of the invention as recited in the amended independent claims.

Claim 9 as amended recites determining if a compressor stored in a **non-fault tolerant portion** of a firmware storage device is available for compressing a firmware variable, and employing the compressor if it is available to compress the first firmware variable and storing the first firmware variable in a compressed form in a firmware storage device, the first firmware

variable in the compressed form to be decompressed via a decompressor stored in a **fault-tolerant portion** of the firmware storage device, otherwise storing the first firmware variable in an uncompressed form in the firmware storage device if the compressor is not available.

Independent claims 22 and 27 as amended recite similar features.

Thus, it is understood that the above independent claims as amended enable the use of compression and fail-safe extraction of firmware variables while consuming limited fault-tolerant storage. Specifically, the above independent claims recite storing compression logic in a non-fault tolerant firmware device. This works in conjunction with a decompressor to be stored in fault tolerant storage. The technical effect of the above configuration is that fault-tolerant storage is conserved and firmware is more efficiently executed. Firmware is still functional even if compression logic is rendered unavailable (e.g., a fault occurs at the non-fault tolerant storage). Because the decompressor is in fault tolerant storage, any existing compressed data may still be decompressed, and any further firmware variable storage may still occur (without compression).

The Office Action on page 14 acknowledges that Rahman and Delaney both fail to disclose fault-tolerant and non-fault tolerant portions of memory. Thus, Applicants further point out that neither Rahman nor Delaney disclose operations to access firmware variables in the event a compressor stored in non-fault tolerant memory is unavailable.

The Office Action on page 14 cites U.S. Patent Application Publication No. 2003/0208650 of Depew (hereinafter “Depew”) to disclose fault-tolerant and non-fault tolerant portions of memory; however, Applicants contend that Depew cannot be cited to cure the defects of Rahman and Delaney.

Paragraphs [0004] and [0009] of Depew disclose memory capable of operating in “hot-pluggable memory capable of fault tolerant and non-fault tolerant modes.” Applicants contend,

however, that this disclosure alone is insufficient to cure the defects of Rahman and Delaney, and the reference fails to disclose operations directed towards accessing firmware variables in the event a compressor stored in non-fault tolerant memory is unavailable. In contrast, independent claims 9, 22 and 27 as amended recite if a compressor stored in a non-fault tolerant portion of a firmware storage device is available for compressing a firmware variable, and employing the compressor if it is available to compress the first firmware variable and storing the first firmware variable in a compressed form in a firmware storage device, the first firmware variable in the compressed form to be decompressed via a decompressor stored in a fault-tolerant portion of the firmware storage device, otherwise storing the first firmware variable in an uncompressed form in the firmware storage device if the compressor is not available. Therefore, no combination of Rahman, Delaney and Depew may be cited to disclose independent claims 9, 22 and 27 as amended. Each of claims 10, 12-14 and 23-26 depends from one of the independent claims discussed above. Per MPEP § 2143.03, claims that depend from nonobvious independent claims are likewise nonobvious over the references.

Claim 11 was rejected under Rahman and Delaney in further view of U.S. Pub. No. 2003/00223646 of O'Neil (hereinafter O'Neil). Claim 11 depends from claim 9. O'Neil fails to cure the defects of Rahman and Delaney, as O'Neil fails to disclose operations directed towards accessing firmware variables in the event a compressor stored in non-fault tolerant memory is unavailable. Thus, no combination of Rahman, Delaney and O'Neil supports a rejection of independent claim 9 as amended. Per MPEP § 2143.03, claims that depend from nonobvious independent claims are likewise nonobvious over the references.

ALLOWED SUBJECT MATTER

Claim 17 was objected to as being dependent upon a rejected base claim, but would otherwise be allowable if rewritten in independent form including all limitations of the base claim. For the sake of clarity, Applicants have amended base claim 15 to include the limitations of dependent claim 17. Therefore, Applicants contend that claim 15, and newly added dependent claims 31-33 are in condition for allowance.

CONCLUSION

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, all pending claims are in condition for allowance, and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
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I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below.

Date: October 12, 2010

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